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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,923	12/20/2001	Joerg Schwenk	2345/165	8882

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EXAMINER

LABAZE, EDWYN

ART UNIT PAPER NUMBER

2876

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,923

Applicant(s)

SCHWENK ET AL.

Examiner

EDWYN LABAZE

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-28 and 35 is/are rejected.
- 7) ☒ Claim(s) 29-34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Receipt is acknowledged of preliminary amendment filed on 12/20/2001.
2. Claims 1-17 are cancelled. New claims 18-35 are presented for examination.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 19-20, 23, 26, and 28 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 19 (page 2, lines 13, 14, 16-18, 20-23): The applicant is requested to spell out the definitions of "n1, n2, z1, d1, and d2".

Re claim 20 (page 2, line 26): The applicant is requested to spell out the definitions of "n1, and n2".

Re claim 23 (page 3, lines 1-3): The applicant is requested to spell out the definition of "n3".

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Re claim 26 (page 3, lines 16-17): The applicant is requested to spell out the definitions of "n5, M1...Mn5, Mi, d1, and d2...dn5".

Re claim 28 (page 3, lines 24-25): The applicant is requested to spell out the definitions of "n5, M1...Mn5, Mi, d1, and d2...dn5".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 18, 21, 24-25, 27, and 35 are rejected under 35 U.S.C. 102(b) as being unpatented by Perlman et al. (U.S. 4,376,279).

Re claim 18: Perlman et al. discloses a personal identification system, which includes means for generating or a generator 10 (col.7, line 11) a personal identification number from a binary number having L digits (col.7, lines 19+; and col9, lines 5-50) so that the personal identification number is randomly or non-uniformly distributed over an available number domain (col.23, lines 1+).

Re claim 21: Perlman et al. discloses a system, wherein N= 4 is selected (col.9, lines 24-50).

Re claim 24: Perlman et al. teaches a system, wherein the binary number is fully converted into a decimal number to generate the personal identification number (col.29, lines 18-

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28), and if necessary, a correction value is added to a resultant decimal so that a first digit of the decimal number becomes unequal to zero, digits of the resultant decimal number forming the decimal digits of the personal identification number (col.29, lines 18-68; and col.30, lines 1-67).

Re claim 25: Perlman et al. discloses a system, wherein the binary number has a length L of 13, the resultant decimal number has four digits, and a preset value greater than 999 and smaller than 1807 is added to the resultant decimal number (col.9, lines 40-47).

Re claim 27: Perlman et al. teaches a system, wherein the binary number has a length L of 16, the resultant decimal number has five digits, and a preset value greater than 9999 and smaller than 34465 is added to the resultant decimal number (col.28, lines 46-67).

Re claim 35: Re claim 20: Perlman et al. teaches a system, wherein the binary number is a binary code specific to an individual (col.33, lines 51-58).

Allowable Subject Matter

8. Claims 29-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: the best prior art or record fails to teach a method or means for generating a pseudo-random number up to 36 and 210 hexadecimal digits, converting each hexadecimal digit into one decimal digit using one out of 36, 210 possible mathematical mappings and linking up to 36, 210 decimal digits of a generated number in a mathematical operation to form a decimal digit representing a

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particular digit of the personal identification number, and to average out the probability of the personal identification digit.

Additional Remarks

10. The lack of an art rejection with this Office action is not an indication of allowable subject matter (i.e., even though claims 19-20, 23, 26, and 28 are rewritten or amended to overcome the rejection under 35 U.S.C. 112 as discussed above). The disclosure/claimed language is such that it is impractical to conduct a reasonable search of the prior art by the examiner

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hsiao (U.S. 5,971,272) discloses a secured personal identification number.

Brookner, George (WO 01/38950) teaches generation and management of customer PIN's (personal identification numbers).

Pavlov et al. (U.S. 4,614,861) discloses unitary, self-contained card verification and validation system and method.

Goldman (U.S. 4,635,054) teaches an operator interactive device verification system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (703) 305-5437.

The examiner can normally be reached on 7:30 AM - 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

el
Edwyn Labaze
Patent Examiner
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January 16, 2003

A handwritten signature in black ink, appearing to read 'Karl D. Frech', is written in a cursive style.

**KARL D. FRECH
PRIMARY EXAMINER**